



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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JON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

ADMINISTRATIVE ORDER 2008-06

WHEREAS, as a highly industrialized and densely populated state, yet gifted with an irreplaceable and precious complement of biodiversity and natural resources, New Jersey has had a long tradition of being a national leader in aggressively identifying and addressing new threats to public health and the environment, while working to enhance the overall quality-of-life of New Jersey residents; and

WHEREAS, the Department of Environmental Protection (DEP) has many diverse constituencies, which at many times have competing interests and goals that can create conflicts as the agency strives for environmental and public health protection while also acknowledging other priorities, including bolstering economic growth in New Jersey; and

WHEREAS, the DEP has responsibility for issuing permits and approvals related to development projects based on scientifically sound standards that ensure the protection of New Jerseyans' health, welfare, environment and property and those approvals can have significant impacts on land use and development patterns, including at the local community level; and

WHEREAS, over the years, the DEP has made significant strides in upgrading its electronic capabilities which have improved the efficiency of the DEP's services and the transparency of its decision-making and I have identified improvements in "efficient service" as one of my current priorities as articulated in the department-wide "Action Plan";

WHEREAS, DEP permitting programs that affect land use are not specifically designed to provide incentives for sustainable development projects that contribute to achieving statewide greenhouse gas limits, economic growth opportunities in urban areas and meaningful affordable housing and that, as a result of their location and design, have little or no impact on public health and safety, the environment or natural resources;

WHEREAS, in the State's current budget situation, I recognize that it is essential to maximize and realign existing resources to innovatively deliver tangible results in efficient service as well as in achieving the State's mutually inclusive goals of creating meaningful affordable housing, ensuring economic growth in our cities, and reducing our natural resource footprint, energy consumption and greenhouse gas emissions, while complying with all mandates of environmental protection statutes.

NOW, THEREFORE, I, Lisa P. Jackson, Commissioner of the New Jersey Department of Environmental Protection by virtue of the authority vested in me by N.J.S.A. 13:1B-3 do hereby ORDER and DIRECT:

1. There is hereby convened the DEP Permit Efficiency Review Task Force, hereinafter referred to as the Task Force, which shall be convened for the duration of 120 days following its initial meeting;
2. a. Within 120 days of its initial meeting, the Task Force shall conduct a comprehensive analysis of the permitting programs of the DEP and shall submit a report to me, with recommendations for restructuring and re-engineering department permitting and other programs to ensure that it is providing timely and efficient service to the residents of the State and the regulated community while maintaining public health and protecting the environment;
b. The report of the Task Force shall also provide recommendations for operational, policy and regulatory changes at the department to provide incentives for and to advance sustainable development projects that contribute to achieving statewide greenhouse gas limits, economic growth opportunities in urban areas and meaningful affordable housing and that, as a result of their location and design, have little or no impact on public health and safety, the environment or natural resources; and
c. As part of its deliberations, the Task Force may also identify possible statutory changes that would result in enhancing the DEP's timely and efficient service or the DEP's ability to provide incentives for sustainable development projects that contribute to achieving statewide greenhouse gas limits, economic growth opportunities in urban areas and meaningful affordable housing and that, as a result of their location and design, have little or no impact on public health and safety, the environment or natural resources.
3. a. In conducting its analysis of and developing its recommendations, the Task Force shall review and consider opportunities to:
 - i. upgrade electronic processing in programs, expand electronic applications and reporting in those programs where, to do so, results in significant program efficiencies, and enhance electronic systems to improve processing time and the sharing of information across programs to improve decision-making and to provide greater public access to the data used by the DEP to make decisions;
 - ii. eliminate redundancies in application reviews, to apply uniform definitions, policies and procedures concerning the permit review clock in relevant permit programs, and other opportunities to make the permit review process more efficient;
 - iii. develop general permits, delegate appropriate approvals and authorizations to local government, authorize use of third parties for permit and compliance verification; and
 - iv. give greater priority, coordinated reviews, regulatory flexibility, and other incentives to projects that result in reductions in our natural resources

footprint, energy consumption and greenhouse gas emissions and enhancement of public health protections while providing meaningful opportunities for affordable housing and economic growth in urban areas, as well as giving greater priority, coordinated reviews, regulatory flexibility, and other incentives to towns that are implementing sustainable development approaches including those that have DEP-approved Plan endorsements, updated Water Quality Management Plans and/or center designation under the Coastal Area Facilities Review Act (CAFRA); and

- b. As part of its deliberations, the Task Force shall consider the resources necessary to implement its recommendations;
 - c. As part of its analysis, the Task Force shall note the opportunities identified in i. through iv., above, that can be accomplished under existing statutory and regulatory authority and those that require statutory or regulatory amendments; and
 - d. The Task Force may form committees and work with interested members of the public that include individuals and entities with experience in developing meaningful affordable housing opportunities, urban redevelopment and revitalization, and land use planning as well as with constituent groups who have regular contact with the DEP.
4. The Task Force shall not include as part of its scope, the DEP site remediation program which is currently undergoing a separate public analysis but the Task Force will review and consider policies and recommendations being considered as a result of the site remediation stakeholder meetings in its deliberations.
 5. As part of its scope, the Task Force may also make recommendations regarding policies to more comprehensively align state infrastructure investments to areas and projects that are consistent with urban redevelopment and revitalization and smart growth principles.
 6. I am directing senior staff within the Department to provide sufficient and adequate resources to the Task Force to ensure its efficient and effective operation and to provide relevant and important background, to the maximum extent allowed by law, needed by the Task Force to analyze DEP operations and programs.
 7. This Order shall take effect immediately.

March 18, 2008
Date


Lisa P. Jackson, Commissioner